

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, March 28, 2013 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

Chairman Blessey convened the meeting at 7:00 p.m. and established a quorum of members.

Present: Chairman R. Blessey, Vice Chairman M. Grimes, Secretary F. Lollie, Alternate and Voting Members J. Cordisco and M. Frankel

Absent: C. Lynch, L. Miller, Alternate J. Varda

Also Present: Zoning Enforcement Officer A. Dew, Recording Secretary D. Cioffi

- a. **Review Minutes of Previous Meetings: 3/14/13 – Vice Chairman Grimes moved to approve the Minutes from the March 14, 2013 Meeting. Secretary Lollie seconded the motion. Motion carried, 4-0-1, with Commissioner Frankel abstaining.**

2. Land Use Enforcement

a. **Enforcement Officer's Report:**

ZEO A. Dew reported on the following:

Requests for Voluntary Compliance (RVC)

227 Candlewood Lake Rd., #2012001108 – This matter will be discussed later in the agenda.

12 Deer Run Rd., #201300078 - ZEO Dew sent a second request for compliance. Upon inquiry from Vice Chairman Grimes, she advised that the property owner came in to pick up the forms for a variance, but has not yet completed the application. **Vice Chairman Grimes moved to issue a Cease and Desist to 12 Deer Run Road, #201300078, if no further action by April 10, 2013. Secretary Lollie seconded the motion, and it carried unanimously.**

17 Old Middle Rd., #201300068 – ZEO Dew reported that one boat has been removed and one is for sale. She will contact the property owner before the next meeting.

44 Old Middle Rd., #201300069 – ZEO Dew has not heard from the property owner's attorney since she advised the attorney of the proper regulation. The attorney was supposed to speak with her client and respond, but has not. **Chairman Blessey moved to issue a Cease and Desist Order to 44 Old Middle Rd., #201300069. Secretary Lollie seconded the motion, and it carried unanimously.**

3 Production Dr., #201300176 – Chairman Blessey and Vice Chairman Grimes advised ZEO Dew that the sign has been removed. However, it does go up for one-day increments. ZEO Dew will send another letter to the property owner.

806 Federal Rd., #201300197 – The tenant has applied for a fit up application and Certificate of Zoning Compliance. Additionally, the tenant is working on a sign permit.

1112 Federal Rd., #201300199 – Mr. Rogg will be coming in to amend the sign application.

491 Federal Rd., #201300212 – ZEO Dew just sent the tenant an RVC.

Cease and Desist Orders

14 Valley View Rd., #201200777 – ZEO Dew will send a letter to the property owner and inspect the site this week.

594 Federal Rd., #201200948 – ZEO Dew will check with the Building Department regarding the status of this matter.

Citation

12 Pocono Ridge Rd., #201200893 – This matter was continued to the April 1, 2013 Zoning Board of Appeals (ZBA) meeting.

Town Counsel Action

533 Federal Rd., #2012000122 – All of the vehicles have been removed; only debris remains. Cohen and Wolf has been monitoring this matter.

1 High Ridge Rd., #201000315 – No status change.

9 Stony Farm Ln., #201100095 – No status change.

54 Ironworks Rd., #201100755 – The new property manager is accepting bids for trash removal.

34 Stony Hill Rd., #201200874 – This matter has been continued to the April 1, 2013 ZBA meeting.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 3/11/13; Zoning Board of Appeals 3/4/13; Planning Commission 3/7/13; Zoning Sub-Committee**
- b. Legal Briefings for Building Inspectors: March 2013

No discussion/no motions.

Vice Chairman Grimes moved to go to Agenda Item 6.b., **5 Obtuse Hill Road, #201300205**. Secretary Lollie seconded the motion, and it carried unanimously.

6. New Business

- b. **5 Obtuse Hill Road (St. Joseph’s Church) #201300205: Site Plan Modification for an 8’ x 12’ wooden shed to collect donations for people in need (dec date 5/31/13)**
 - Map of Church building showing placement of shed received in Land Use 3/15/13

Vice Chairman Grimes recused himself from this matter.

Chairman Blessey explained that the shed is being moved from the parking lot to the grass area and pointed out the locations on the map. **Chairman Blessey moved to approve the Site Plan Modification, #201300205, 5 Obtuse Hill Rd., for a new location for the shed. Commissioner Cordisco seconded the motion, and it carried unanimously.**

- c. **32 Tori Lane #200400742: Request for Bond Release for \$1,175.00**

Vice Chairman Grimes moved to recommend to the Board of Selectmen the release of the bond for 32 Tori Lane, #200400742, in the amount of \$1,175.00. Secretary Lollie seconded the motion. Chairman Blessey noted that ZEO Dew has inspected the site. **Motion carried unanimously.**

Vice Chairman Grimes moved to go to Agenda Item 5.a, **227 Candlewood Lake Rd.** Secretary Lollie seconded the motion, and it carried unanimously.

5. Old Business:

- a. **227 Candlewood Lake Road #201300016: Site Plan Modification for a wash water recycling shed (dec date 3/30/13)**

1. Site Plan Map prepared by CJOJ LLC dated 9/10/95 revised thru 3/21/13

Vice Chairman Grimes recused himself from this matter.

M. Rogg, 227 Candlewood Lake Rd., was present. Chairman Blessey explained that he and ZEO Dew met with Town Counsel N. Marcus. The plans for the site plan modification for the wash shed were

reviewed. The property owner is now looking for approval for other work that was done at the site. Chairman Blessey explained that the Zoning Commission dealt with two issues some time ago. ZEO Dew explained that in 1996, a measurement was taken from the property line instead of the center of the road. When the measurement was corrected, there was a flaw in the public hearing.

The property owner is seeking to define the usable space on the site. Chairman Blessey pointed out the area on the map. Mr. Rogg pointed out where the incorrect previous measurement was taken.

ZEO Dew noted the possible section of usable area. Upon inquiry from Commissioner Frankel, it was stated that the property has been used for storage since 1994. ZEO Dew suggested that the Commission ask Mr. Rogg to put out markers and walk with site with A. Dew to show the allowed areas.

Commissioner Cordisco moved to approve 227 Candlewood Lake Rd., #201300016, Site Plan Modification, with the stipulation that the corners of the gray boat storage area will be pinned by June 30, 2013. Commissioner Frankel seconded the motion, and it carried unanimously.

Chairman Blessey moved to go to Agenda Item 6.d. , 871 Federal Rd., #201300190. Vice Chairman Grimes seconded the motion, and it carried unanimously.

6. New Business (continued)

d. 871 Federal Road (Riverview) #201300190: Site Plan Modification to revise the Phasing Plan for the “Riverview” Incentive Housing Condominium (dec date 5/31/13)

1. Letter from Michael J. Lillis to Zoning Commission dated 3/11/13 Re: “Riverview” at 871 Federal Rd, #201001016, Previously-Approved Incentive Condominium Development.
2. Map titled “Phasing Plan” prepared by CCA, LLC dated 10/16/12 revised thru 3/11/13 – sheet PHASE

M. Lillis, P.E., CCA, 40 Old New Milford Rd., and A. Lucera, Property Owner, were present. Mr. Lillis explained that the applicant is requesting a modification of the plan approved this past October. Mr. Lucera explained that the change relates to paving in the front of Building 2, and showed where the paving has been done. Upon inquiry from Commissioner Frankel, Mr. Lucera explained that the infrastructure work has been completed.

Vice Chairman Grimes moved to approve a Site Plan Modification for 871 Federal Rd., #201300190. Secretary Lollie seconded the motion. Motion carried unanimously.

Mr. Lucera requested discussion of a letter regarding the handicapped units in the project. He advised that the State requires ten percent of the units to be “handicapped adaptable”. The first building that was built has four units, and the next four will have two units each, which will be more than the State requirement. The applicant is seeking to eliminate the three townhouse units as handicapped adaptable. There was discussion regarding the specific units and Mr. Lillis provided a copy of the plan, which was reviewed. The changes to the plan were noted in pink pen, and initialed by Mr. Lucera.

Chairman Blessey moved to change the site plan at Riverview, 871 Federal Rd., to eliminate Units 4-7, 5-3, 5-6 from the original plan as being handicapped units, and add, Unit 1-7, 1-1, 5-7,

5-1, 4-8, 4-1, 3-8, 3-1, 2-7 and 2-1 instead. Vice Chairman Grimes seconded the motion, and it carried unanimously.

4. Continued Public Hearing: 7:30

- a. Proposed Regulation Change #201201067: Section 242-505 B-H – Town Center District: (B) Plan of Conservation and Development, (C) Common Areas, (D) Permitted Uses, (E) Land Use Standards, (F) Design Review, (G) Parking and (H) Design Flexibility**

Chairman Blessey summarized the discussion to date. He advised that the amended language has not yet been received, but is expected by April 11, 2013.

Commissioner Frankel moved to continue the Public Hearing re: Proposed Regulation Change #201201067 to the next regularly scheduled meeting. Commissioner Cordisco seconded the motion, and it carried unanimously.

Vice Chairman Grimes moved to go to Agenda Item 8.a. Chairman Blessey seconded the motion, and it carried unanimously.

8. Informal Discussion:

- a. 227-235 Federal Road #201200060:**

1. Letter from Michael Lillis to Zoning Commission dated 3/21/13

M. Lillis, P.E., CCA, 40 Old New Milford Rd., M. Palmer, Property Owner, and N. Buzaid, Property Owner, were present.

Mr. Lillis advised that there is a similar situation at 49 Federal Road. He reviewed the previously approved site plan for 227-235 Federal Road. He advised that Mr. Palmer and Mr. Buzaid have agreed to grant an easement to the Aquarion Water Company so that the water main can serve complex the Sandy Lane condominium complex. Mr. Lillis explained that in exchange for this, there will be a 20-25 foot strip at the back of Buzaid property, to expand property to make it more flexible for future tenants. One tenant, a furniture store, will have up to 90 spaces (up from 68). Mr. Lillis inquired: 1) can impervious coverage be figured on the lot area plus additional strip (easement or lease); and 2) whether the strip qualifies as “off-site parking”.

Mr. Lillis presented the survey for 49 Federal Road, and pointed out the property owned, and the portion leased from the Town of Brookfield to expand the property.

For the matter at hand, Mr. Lillis indicated that it could be a permanent easement, or a leased parcel.

Chairman Blessey indicated that ZEO Dew has talked with the Town Attorney regarding the easement option. The Town Attorney advised that he did not think that it was legal for the Zoning Commission to approve it in the easement. Chairman Blessey would like to discuss this with Attorney Marcus. It was requested that Mr. Lillis present this to Town Counsel regarding the lease and easement options. It was further suggested that this modification be applied for, and that the matter be put on the April 11, 2013, and it is hoped that the Commission will have a memo from the Town Attorney by that meeting.

Mr. Lillis moved on to the approved landscape plan, and advised that the applicant is considering a reduced plan with few species and elimination of a landscape island. Chairman Blessey noted a similar situation at 270 Federal Road, where trees had to be removed.

Mr. Lillis also indicated that when the modification is brought in, a modified bond request for erosion and sedimentation control only, will be submitted.

6. New Business: (continued)

- a. **140 Federal Road #201300192: Design Review for a proposed 4,668 Square Foot Chick-fil-A restaurant with drive thru and associated site improvements** (*dec date 5/31/13*)
1. Letter from Susan Hays to Katherine Daniel dated 3/11/13 Re: 140 Federal Rd Application – Chick-fil-A
 2. Transportation Report prepared by Robert Nagi, P.E., Transportation Land Development Environmental Services, dated 3/8/13 – Project No. 12254.00
 3. **Map Cover Sheet “Chick-fil-A” prepared by Lauro Group dated 3/08/13 – sheet C0.0**
 - “Removals Plan” dated 3/8/13 – sheet C1.0
 - “Overall Site Plan” dated 3/8/13 – sheet C1.0
 - “Overall Site Plan” dated 3/8/13 – sheet C2.0
 - “Partial Site Plan” dated 3/8/13 – sheet C2.1
 - “Grading And Drainage Plan” dated 3/8/13 – sheet C3.0
 - “CFA Standard Details” dated 3/8/13 – sheet C4.0
 - “CFA Standard Details” dated 3/8/13 – sheet C4.1
 - “CFA Standard Details” dated 3/8/13 – sheet C4.2
 - “CFA Standard Details” dated 3/8/13 – sheet C4.3
 - “CFA Standard Sign Details” dated 3/8/13 – sheet C4.4
 - “Construction Details” dated 3/8/13 – sheet C5.0
 - “Soil Erosion Control Plan” dated 3/8/13 – sheet C6.0
 - “Lighting Plan” dated 3/8/13 – sheet ES2
 - “Landscape Plan” dated 3/8/13 – sheet L-1 (*handed into Land Use separately 3/14/13*)
 - “Utility Site Plan” dated 3/8/13 – sheet PS-1.0
 4. “**Property Survey**” prepared by Gallas Surveying Group dated 11/30/12 revised thru 2/6/13
 5. **Architectural / Floor Plans:** Prepared by Chipman Design Architecture Inc.
 - “Floor Plan” dated 2/19/13
 - “Northeast Elevation” dated 2/19/13
 - “Northwest Elevation” dated 2/19/13
 - “Southeast Elevation” dated 2/19/13
 - “Southwest Elevation” dated 2/19/13
 - “South Elevation” dated 2/19/13
 - “Exterior Details” dated 2/2013 – sheet A-4.1
 - “Roof Plan” dated 2/2013 – sheet A-1.7

6. Letter from Daniel Pedersen, PE Lauro Group to Zoning Commission dated 3/18/13 Re: Land Use Submission Packages

Vice Chairman Grimes moved to set a Public Hearing for April 25, 2013, at 7:30 p.m. for 140 Federal Rd., #201300192, Design Review for 4,668 sq. ft. Chick-fil-A Restaurant, with drive-thru and associated site improvements. Secretary Lollie seconded the motion, and it carried unanimously.

e. 800, 802, 806 Federal Road & 7 Station Road #201300224 – Design Review for “Brookfield Village” to include mixed use retail (21,047 sq. ft.) and residential (79 Units) (dec date 5/31/13)

1. “Incentive Housing Restriction” report prepared by Unicorn Contracting Corp. – received in Land Use 3/21/13 with Design Review Packet.
2. Map Cover Sheet titled “Brookfield Village – Proposed Mixed-Use Development” prepared by CCA, LLC dated March 21, 2013
 - “General Legend, Notes And Abbreviations” dated June 2012 – sheet N1
 - “Topographic Boundary Survey” dated 1/24/13 – sheet 1 of 1
 - “Demolition Plan” dated 3/21/13 – sheet C1
 - “Site Layout And Materials Plan” dated 3/21/13 – sheet C2
 - “Grading Plan” dated 3/21/13 – sheet C3
 - “Drainage Plan” dated 3/21/13 – sheet C4
 - “Utilities Plan” dated 3/21/13 – sheet C5
 - “Landscaping Plan” dated 3/21/13 – sheet C6
 - “Erosion Control Plan” dated 3/21/13 – sheet C7
 - “Notes And Details” dated 3/21/13 – sheets C8 thru C12
 - “Sedimentation And Erosion Control Plan” dated 12/7/05 – sheet E1
3. “Site Lighting Photometric Plan” prepared by Apex Lighting Solutions dated 3/18/13 – sheet SL-1
4. “Traffic Access & Impact Study” prepared by Frederick P. Clark Associates, Inc. dated March 2013
5. Map Cover Sheet “Brookfield Village” – “View From Federal Road” (Buildings 1, 2 & 3) prepared by Paul Bailey Architect dated 3/21/13 – sheet C1
 - “View from Station Road” – Building 4 (East & North Elevation) dated 3/21/13 – sheet C2
 - “Building 1 Floor Plans” dated 3/21/13 – sheets A1.1 & A1.2
 - “Building 1 Elevations” dated 3/21/13 – sheets A1.3 & A1.4
 - “Building 2 Floor Plans” dated 3/21/13 – sheets A2.1 & A2.2
 - “Building 2 Elevations” dated 3/21/13 – sheets A2.3 & A2.4
 - “Building 3 Floor Plans” dated 3/21/13 – sheets A3.1 & A3.2
 - “Building 3 Elevations” dated 3/21/13 – sheets A3.3 & A3.4
 - “Building 4 Floor Plans” dated 3/21/13 – sheets A4.1 & A4.2
 - “Building 4 Elevations” dated 3/21/13 – sheets A4.3 & A4.4
6. Memo from Ralph Tedesco, Town Engineer to Zoning Commission dated 3/25/13 Re: Application #201300224 / 800 Federal Rd Design Review

Secretary Lollie moved to set a Public Hearing for #201300224, 800, 802, 806 Federal Rd., and 7 Station Rd., Design Review for Brookfield Village, to include mixed use, retail, 21,047 square

foot and residential, 79 units, for April 25, 2013, (as the second public hearing) at 7:30 p.m. Commissioner Cordisco seconded the motion. Motion carried unanimously.

7. **Tabled Items:** None.

9. **Comments of Commissioners:** It was noted that there will be a Special Meeting on Thursday, April 4, 2013, in Room 209, and that a representative from Fitzgerald & Halliday will be present.

10. **Adjourn:** Vice Chairman Grimes moved to adjourn the meeting at 7:51 p.m. Commissioner Cordisco seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for April 11, 2013****